

2:15 meeting that
Kaiser claimed NO
NOTES were taken
-- Komaterdity
claimed NOTES
may have been
taken BEFORE the
meeting during
Rebuttal
Summation!?!? --
Tr.5992:lines 8-10

Scott R.
Matt G - FBD
John Kaiser
(c)
(d)

Oct. 19, 2010

11AM

2002

on vacation - Hawaii - after 8/11/01 = Main Island

- saw property = cheap w/ Chris Martucci

\$700k purchase price

= \$10K down payment

= (JK) - trying to raise \$

= had properties in NY to sell

= couple homes -

(JK)'s part of

(JK) had friend James Milano - lives on Long Island

Phil Kenner (JK) knew

introd to (JK)

(JK) had hockey clients/investors to start purchasing
property in Hawaii

starting
closing

2005

Closed on some more parcels

= 1,000 acres total = kept adding/buying more adjacent
properties

= Lehman - comes in

Windwalker - developer
Scot Lehman brought in

(JK) investment = \$1.1M - (JK)

amt

Family members (JK)

(JK)

\$1.2M = Sold house in NY

Took \$1.1M to pay family off

(1)

= Masood Watti - Lehman Bros.

- got a piece of Hawaii deal

[redacted] 260 acres - 1st piece of Hawaii investment

just kept buying / expanding => 6,000 acres total

= Alan Warden = Windwalker = Accountant / contact

(P) met Tandy = 2x in NYC

(P)
times

in NYC = Trust (2993) = Tandy restaurant

discuss:

// = discuss project in Hawaii

there
@
P

(P)

(KJ) - with a girl

// = funding in Mexico

(P)
time

another time @ a bar = in NYC = bar

- discussed Hawaii

- lending \$ from Hawaii to Mexico

(KJ)

(JK)

(P) - not sure how (KJ) + (P) met

(P) = San (P) in Mexico couple times

again
discussed

(P) wanted to borrow \$ from Hawaii to Mexico
would pay back after closing

(E)

~~KJ brought up borrowing \$ from Hawaii project~~

~~(KJ)~~

~~\$5M DOLM~~

borrowed millions from Hawaii project

- it was going to be \$100k not millions

~~(JK) not happy \$ went started
to grow to millions of \$
to Mexico~~

~~discussed~~

~~= Brian Beard~~

~~(PK)~~

2004 Hawaii loan
agreement

= was agreement to borrow \$ from Hawaii -

~~(KJ) → (JK)~~

~~(KJ) - don't worry all of it will come
(PK) back; get repaid~~

- in NYC

discussed \$ from Hawaii to Mexico

- just to be used for Mexico

↓ no other project

Question to (JK):

2004 update Letter on Hawaii project -

- (JK) - yes, I recall letter

(PK) - made these many times

Many update
letters from
Kenner to the
investors per
Kaiser proffer...

~~(KJ)~~

never got it back from (KJ) / Mexico

~~(JK)~~

Kaiser does NOT say that this is money that he was unaware of at the time of the loans -- notwithstanding the fact that Kaiser would still (according to his EDNY testimony) have been missing millions from the CA closing almost 2 years prior and Hawaii 4 years prior -- if actually TRUE!

(3)

Eufora

2007 = (JK) met Tommy Constantine in AZ @ (PK)'s house

(TC) = introd as self made millionaire to (JK)

(JK) = heard about Eufora thru players / guys that
Eufora - company will be big one day

in beginning = 3 and couple hundred thousand @ East

(JK) \$2.2M - over 3 yr period invested

(GA) borrowed from family - majority of \$
- mother
- brothers - Keith

(JP) = includes (JK)'s friends \$ -
- (JK) got 4 friends to invest

Danny Rae → ex-hockey player - lives in AZ
- bringing investors in Hawaii

(JK) = met (DR) - 1 yr ago = heard of him prior
- when put house for sale in AZ - (JK)'s house
- Brian Berard + (JK) own - 2 yrs ago bought
- (JK) - raised \$ from friends to buy house in AZ

(4)

- Tim Gaarn - used to work in banking industry
 - 1st intro to Lehman from (TG)
 - not invested in Hawaii

✓ = (TG) trying to fund it for Hawaii w/ own funds
- suffice to use own \$ to fund Hawaii

Ultimately \$ came from friend of (TG)
(\$84M - Waikapuna closing)

Kaiser confirms consulting deals for Gaudet and Gaarn from Hawaii

Robert Gaudet

(TG) met (RG) -
= golf pro
= knows people in Mexico

tried to get \$ for Hawaii

believe above indiv. getting paid for getting \$

= (RG)
= (TG)

RG -- Robert Gaudet and
TG -- Tim Gaarn

1st heard
2005 = heard of Enfona from (TG) & players

(TG) showed (JK) Agreements w/ banks & credit card companies
= wanted increase ownership in Enfona - (TG)'s own shares in
= appeared to be great company → (TG)

and Mark Ambrosio
= Fish Zero = $\textcircled{T}\textcircled{C}$ running \$ from Eufora
Taser = accounts to these investments
Sergei Gonchar & going to

all \textcircled{JK} investment & to \textcircled{TC} went from
 \textcircled{JK} = TD Bank accts

\textcircled{TC} - rec'd couple hundred thousand back
from \textcircled{PK}

\textcircled{PK} from granted it for renovation \textcircled{PK}
house in AZ

\textcircled{PK} - \textcircled{JK} gave \textcircled{PK} \$ from his house sale in
Smithtown, NY
needed it
for Myrick
lawsuit
 \textcircled{PK} never repaid

\$500,000 of these funds were immediately transferred to Kenner by Kaiser for the documented Kaiser (individual) purchase of land from Kenner in Mexico (los Frailes) -- also unknown to Kenner, Kaiser's friends and family -- See PK19 and PK50

= (PK) - living in Vegas - Condo

- house in AZ is wife's from divorce

(JK) = Palms Condos

Kaiser took money from his handicapped brother, his DEA friend Bobby Rizzi, and his doctor friend Sconzo (whom he later robbed for another \$200,000 admitted by the Gov't in their forfeiture brief)...

(TC) - new M/suite in Vegas

2007
or
2008

→ invested - (TC) friends / 3
 ① ~~Keith Kaiser - brother~~
 ② ~~Dobby~~ = police officer → \$550k together
 ③ ~~and doctor friend of (PK)~~ for penthouse
 @ Palms

= Jay McKeo
 = Mike Peca on Note = 2 separate drafts

get 15%
 from \$
 - promised by (TC)

closing went through (TC)

went into it
 to buy & sell
 quickly

(PK) - was not involved in Palms R/E
 - as far as (PK) remembers

(X) Global Settlement Fund - set up by (TC) = w/ (CT)
 (PK)

- pay Ethan Murray back - from films
 - Eurofa - players
 - Mexico - players

Clearly -- no closing "with
 Kaiser" EVER occurred...

used to straighten & investment mess which
 happened throughout years.

infor = (TC) instructed Ronald Richard to send \$ to Eurofa
 acct so he can distribute to players = GFS Fund \$

(TC) instructed (JK) friends = investment \$ - to go to
 Ronald Richard & not Eurofa

(J) involved w/ → renovated - (J) & brothers did work
= Hermosa Beach - house - (P) - owned it then sold
- (P) - owes it from house construction / renovation
- (P) - brothers worked on house = took 4 months

(J) - raised funds to buy house from:
= (P) - mother
- brothers
- friends

(J) - not paid \$ from (P) on house yet
(P) - will get \$ from Hermosa Beach house when
AZ house sells
= on market now

(J) met (N) in Hawaii
Nick James -
did stuff for Flushing racing & (T)

(N) called (T) to get married
\$ 20k-80k - asked \$ from (P) = (P) said no
borrowed from (P)

(N) did not work or invest in Hermosa Beach house

(S)

Los Frailes - investment

- JK + has friends invested in
~ \$1M

JK included in the \$1M

purchase property + develop

\$1M used to purchase property \rightarrow sell parcels to
get \$ back from 1st investment

\rightarrow Bobby Gaudet - told JK about investment

JK - not involved in Los Frailes

↓
does have clients involved / hockey players

JK - went down there w/ friends to see

JK - 6 mos. ago in Cabo \equiv Joudy project

\equiv golf course - done

\equiv surprise to find up land

never went to North property

DDM

(9)

(KJ) = 65M-6M - (KJ) borrowed recid (loaned
borrowed from Hawaii project to Mexico

(KJ) borrowed from Glen Murray too for Mexico.

(KJ) might have repaid couple hundred thousand to Hawaii

(JE) - did see Hawaii bank acct statements

(KJ) = accountant for Hawaii project
(KJ) not recid K-1's ever (KJ) will get name
of accountant before Lehman com
m.

(KJ) = never recid K-1's from Hawaii

= took two yrs to get from Allan Warden

will receive
K-1's soon

Kaiser confirms seeing all of the Hawaii bank statements -- so there could be no questions where the \$1mm from his friends and family went after deposits in the NEW KAU HOLDINGS ACCOUNT -- See PK26

Agent wrote END TIME -- even though Kaiser disputes seeing agents taking notes during a 2 hour and 15 minute meeting at Kaiser's home during EDNY testimony... Tr.1120-1122

EDNY
1120-1122